

**I. REMARKS**

In the Office Action dated February 3, 2005, claims 1, 3-7, and 9-19 were pending and rejected. Claims 1, 12, and 18 have been amended in order to overcome the prior art.

**A. Summary of Telephone Interview**

The undersigned would like to respectfully thank examiner Cohen for her time and effort in moving this case forward. During a telephone conference on April 27, 2005, with the Applicant and the examiner, the prior art was discussed as well as what possible claim amendments could be added in order to overcome the art. It was discussed that the first and second aligning gauge lines could possibly overcome the cited art. The undersigned was to submit proposed amended claims to the examiner for review. Proposed amended claims were faxed to the patent examiner on May 2, 2005. On May 3, 2005, the Patent Examiner informed the undersigned that the claim amendments were sufficient to overcome the prior art and notice of allowance should issue in due course. Again, the undersigned would like to thank Examiner Cohen for her time and effort with this case.

**B. Claim Objections**

Claims 10 and 15-17 were rejected under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As such, claims 10 and 15-17 have been cancelled.

**C. Claim Rejections Under 35 U.S.C. § 102 and § 103**

Claims 1, 3-7, and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,966,824 to Vazquez. Further, claims 1, 3-7, and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,071,171 to Guerrero. Claims 12-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,912,850 to Gray in view of Vazquez. Applicant respectfully traverses the rejections.

Independent claim 1 has been amended to recite that the body is rigid and has a longitudinal axis. Further, the body has a first aligning gauge line proximate the first non-linear edge, and a second aligning gauge line proximate the second non-linear edge where the first aligning gauge line and the second aligning gauge line are substantially parallel to the longitudinal axis. Claim 1 has also been amended to recite that the first aligning gauge line and the second aligning gauge line are adapted to aid in positioning the body relative to the fabric portion so as to form consistently sized non-linear patterns in the fabric block. These amendments find support in the subject application and in the drawings. More specifically, the specification has been amended on page 6, line 1 to add these limitations.

Claim 12 also contains the structural limitations of the first and second aligning gauge lines. It also amends step (d) to recite that “overlapping the edges of the two pieces of fabric of predetermined amount such that the edge of the first piece of fabric is underneath the second piece of fabric and the edge of the second piece of fabric is on top of the first piece of fabric.” Step (e) has also been amended to state that “positioning said first non-linear edge of said pattern measuring device over said fabric such that said first aligning gauge line is coincident with the edge of the second piece of fabric.”

Applicant respectfully states that none of the art cited teaches or suggests these limitations. These limitations are also found in independent claim 18. Based upon the foregoing, Applicant respectfully contends that claims 1, 12, and 18 are in condition for allowance.

Claims 2-7, 9, and 11 depend from claim 1. Because they more distinctly point out the present invention, Applicant respectfully contends that these claims are also in condition for allowance.

Claims 13 and 14 depend from claim 12 and also more distinctly point out the present invention as should be found to be allowable. Claim 19 depends upon allowable claim 18 and is also deemed to be in condition for allowance.

## **II. CONCLUSION**

In response to the Office Action dated February 3, 2005, claims 10 and 15-17 were cancelled. Claims 1, 12, and 18 have been amended pursuant to 37 C.F.R. 1.121. It is believed these amendments have placed the amended claims in conformance with the requirements of the Office Action. At this point, applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103, and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

**BROUSE MCDOWELL**

May 3, 2005

Date

Telephone No.: (330) 535-5711  
Fax No.: (330) 253-8601

Heather M. Barnes

Heather M. Barnes, Esq.  
Reg. No. 44,022  
388 South Main Street, Suite 500  
Akron, Ohio 44311-4407